

Exhibit H

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 12 2005

at 3 o'clock and 15 min. P. M.
WALTER A.Y.H. CHINN, CLERK

DISCOVERY MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;) CIVIL NO. CV03-00385 SOM LEK
) (Copyright)
)
)
)
) PROTECTIVE
) ORDER; EXHIBIT "A"
HAWAIIAN EXPRESS SERVICE,)
INC., a California corporation; H.E.S.)
TRANSPORTATION SERVICES, INC.,)
a California corporation; CALIFORNIA)
PACIFIC CONSOLIDATORS, INC., a)
California corporation; JEFFREY P.)
GRAHAM and PETER SCHAUL,)
California citizens; MARK DILLON and)
TERESA NOA, BRIAN)
CHRISTENSEN, Hawaii citizens;)
FLEMING COMPANIES, INC., an)
Oklahoma corporation; C&S)
LOGISTICS OF HAWAII, LLC, a)
Delaware LLC; C&S WHOLESALE)

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GROCERS, INC., a Vermont)
 corporation; C&S ACQUISITIONS,)
 LLC; FOODLAND SUPER MARKET,)
 LIMITED, a Hawaii corporation;)
 HAWAII TRANSFER COMPANY,)
 LIMITED, a Hawaii corporation;)
 RICHARD COHEN, a New Hampshire)
 citizen, ES3, LLC, Delaware Limited)
 Liability Company, MELVIN PONCE,)
 SONIA PURDY, JUSTIN FUKUMOTO,)
 AFREDDA WAIOLAMA,)
 JACQUELINE RIO, Hawaii citizens;)
 JESSIE GONZALES,)
 (CAPTION CONTINUED))
 LUIZ RODRIGUES, AL PEREZ,)
 PATRICK HIRAYAMA, California)
 citizens; GUIDANCE SOFTWARE,)
 LLC, a California LLC; MICHAEL)
 GURZI, a California citizen; ALIX)
 PARTNERS, LLC a Delaware LLC;)
 DOE INDIVIDUALS 2-350; DOE)
 PARTNERSHIPS, CORPORATIONS)
 and OTHER DOE ENTITIES 2-20,)
 Defendants.)

PROTECTIVE ORDER

A confidentiality order is necessary to govern the production of certain documents and things and testimony that may contain, or that the Parties may assert contain, confidential, technical, scientific, or business information within the meaning of Hawaii law or case law interpreting Rule 26 of the Federal Rules of Civil Procedure.

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previously granted, shall be considered to be on loan, with no rights of ownership and/or license of any kind other than the right to examine the contents for the sole purpose of preparation for this case.

7.2 Freight Control System Software

(a) Upon request by the various parties, Plaintiff shall provide a copy, or multiple copies, as may be requested, of the requested version of Plaintiff's Freight Control System software.

(b) The various parties may request multiple copies of the software, and, with each request for a copy (or copies) of such software, shall reaffirm, that the software will be used only in the subject litigation proceeding between the parties, and be subject to this Protective Order.

(c) Upon receipt of the foregoing affirmation, and within 5 days of such request, Plaintiff shall provide the requested copy(ies) to the requesting party, and shall not be entitled to information as to the purpose of the requested software copy(ies).

(d) The parties shall not make a copy of said software, except as necessary to prepare for trial in this matter, including, but not limited, the analysis of said software.

(d) All copies of said software shall be returned to Plaintiff within sixty days after the final termination of this proceeding.

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(b) Is or becomes publicly known through no fault or act of such Party or Expert; or

(c) Is or was rightfully received by such Party or Expert from a third party that has authority to provide such documents, information, or material and without restriction as to disclosure.

13.4 Confidentiality or Non-Disclosure Agreements. Nothing in this Protective Order shall modify or relieve any Party, Expert, or other person from any obligation he, she, or it may have under any other confidentiality or non-disclosure agreement.

13.5 Time. Local Rule 6.1 of the Local Rules for the District of Hawaii shall govern the calculation of any period of time prescribed or allowed herein. Respectfully submitted,

14. Enforcement.

Parties or persons violating this Protective Order, may be subject to sanctions imposed by the Court including, but not limited to, being found in contempt of court.

DATED: Honolulu, Hawaii, APRIL 12, 2005.



SPECIAL DISCOVERY MASTER
CLYDE WM. MATSUI